REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Single Bench of Mrs Nupur Banerjee, Member

Case No.CC/612/2019

Pankaj Kumar Singh   …...Complainant

Vs

M/s Anuanand Construction Pvt. Ltd.   …..Respondent

Project: Sai Enclave, Block-A

Present: For Complainant: Mr. Mithilesh Kumar Singh, Advocate
                   For Respondent: None

02/08/2024   **ORDER**

       Order in this case was reserved on 22.07.2024. Mr. Mithilesh Kumar Singh, Advocate appeared on behalf of the complainant. The respondent was absent.

       Learned counsel for the complainant stated that the complainant had booked a flat no:- 401 in project Sai Enclave, Block-A and he had got possession of the flat and he is staying in the said flat but the promoter was supposed to give an area of about 900 sq.ft. carpet area but instead of that, he was provided about 725 sq.ft. area. He states that the total consideration amount for 900 sq,ft. flat was Rs.26.20 lakh including parking and other charges. He has paid Rs.23.01 lakh. Now question is that he got possession of the flat whose carpet area is 725 sq.ft. He wants execution of the sale deed to be done by the promoter and also he wants excess amount if he has paid due to getting less carpet area that has to be refunded. As per the calculation sheet submitted by the complainant, the excess amount that has to be refunded by the promoter to the complainant, for giving less area is about 5.06 lakh.

       Vide proceeding dated 15.07.2024, the Bench directed the Technical Wing of the Authority to visit the said flat and submit its report before the next date of hearing i.e. 22.07.2024. The Technical Wing has submitted its report on 20.07.2024 after visiting the flat of the complainant alongwith actual measurement and photographs.

From bare perusal of the report of the Technical Wing, the area of flat is 724.924 Sqft which is as follow:-

Site measurement:

1. Drawing room – 9'8'' X 14'4'' = 137.655 Sqft.

2. 1st Room = 14'7'' X 10'2'' = 150.68 Sqft.

3. 1st Bathroom = 5'5'' X 5'9'' = 31.14 Sqft.

4. 2nd Bathroom = 6'6'' X 6' = 39 Sqft.

5. Kitchen = 8'9'' X 10'10'' = 94.76 Sqft.

6. 2nd Room = 12'5'' X 11'7'' = 143.82 Sqft.

7. Dining Room = 12'1'' X 10'7'' = 127.88 Sqft.

Total Carpet Area = 724.924 Sqft.

Learned counsel for the complainant states that the complainant is staying in the apartment but till now absolute sale deed has not been executed. He was supposed to give 900 sq.ft. Carpet area but he has given 725 sq.ft. Carpet area. The consideration amount of the flat is Rs.24.20 lakh plus 2.00 lakh additional charges and out of that he has already paid Rs.23.01 lakh. Now he wants registry of the flat and as because he has got less carpet area, so according to less area he is supposed to pay about 15.95 lakh plus 2.00 lakh additional charges. Accordingly, the cost comes to Rs.17.95 lakh including Rs.2.00 lakh additional charges but he has already paid Rs.23.01 lakh. So, he wants refund of the excess amount that he has paid.

Based on the aforesaid observation and technical report, the Authority directs the promoter to execute sale deed with the complainant within a period of 60 days of issue of this order and also refund the extra amount which the respondent has taken from the complainant in view of carpet area which is 725 sqft.

With the aforesaid observation and direction, the complaint case stands disposed of.

Sd/-
Nupur Banerjee
Member